

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

NO. CR. S-93-251 LKK  
NO. CIV. S-06-161 LKK

Respondent,

v.

O R D E R

PAUL JEMERIGBE,

Movant.

The court is in receipt of a document, in effect requesting permission to file a petition under 28 U.S.C. § 2255 based upon United States v. Booker, 543 U.S. 220 (2005). It is well established that Booker is not retroactive. The motion is DENIED. The Clerk is directed to CLOSE the companion civil case, No. Civ. S-06-161 LKK.

IT IS SO ORDERED.

DATED: January 30, 2006.

/s/Lawrence K. Karlton  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT